

U. S. INJUNCTION ASKED TO TIE UP SUBWAY CONTRACT

New Control Would Make Interborough Stronger Is One Argument.

STOCK NOW IN SNARL

Continental Securities Company Claims It Intervenes to Save First Mortgage Holders.

Through its attorney, J. Ameywell Bodge, the Continental Securities Company appeared before Judge Cox, in the United States District Court today, asking for an injunction restraining the Interborough Rapid Transit Company and the Windsor Trust Company, at a meeting of the Interborough stockholders called for March 5, from authorizing the Interborough Company to execute a mortgage and issue bonds. The Continental Securities Company claims that the injunction is asked to keep pending the litigation now in progress.

Should Judge Cox issue this injunction the practical effect will be to tie up the execution of the subway operating contracts indefinitely, for, it is said, months will pass before the decision of the Federal Court will be handed down, during the pendency of which the subway would be closed.

SUIT DECLARES TRACTION COMPANY ILLEGAL TRUST.

The motion for the injunction was directed to the Interborough Rapid Transit Company, the Interborough-Metropolitan Company, the Windsor Trust Company, the Metropolitan Street Railway Company, the New York City Railway Company, Thomas F. Ryan, August Belmont, Edward J. Berwind, John D. Crimmins, Andrew Freedman, Thomas P. Fowler, Gardner M. Lane and Cornelius Vanderbilt.

The petition for the injunction is made in detail by Charles E. Robinson, Secretary of the Continental Securities Company. He sets forth that on April 21, 1908, the Continental Company, as a stockholder of the Interborough Rapid Transit Company, began suit against the Interborough-Metropolitan Company, alleging that the Interborough-Metropolitan had acquired 90 per cent. of the stock of the Interborough Rapid Transit by exchanging therefor its own stocks and bonds. The Interborough-Metropolitan also acquired majorities of stock in most of the street railway lines of Manhattan and the Bronx, thus becoming, so the complaint asserted, a monopoly in restraint of trade under the laws of New York State, and the court was asked to order the Interborough-Metropolitan to return its Interborough stock to its original owner.

Although the action was brought under State law, it was tried in the United States Court because the parties were citizens of different cities and the amount involved was more than \$10,000.

Shortly after the filing of the action the defendants demurred to the complaint, asking that Judge Hay dismiss the suit. Judge Hay dismissed the demurrer and allowed the action to go to trial. Testimony was fully taken before an examiner of the United States District Court, whose report has been filed. The Continental Securities Company asks that Judge Cox issue the injunction to hold until the Court has acted upon the report of the examiner.

NECESSARY VOTES IN HANDS OF WINDSOR TRUST.

"But the consent of two-thirds of the stockholders of the Interborough Rapid Transit Company cannot be obtained without the Interborough-Metropolitan, which owns 90 per cent. of the stock of the rapid transit company," the petition recites. "On the other hand, the stock of the rapid transit company held by the Inter-Met was mortgaged on March 6, 1908, to secure an issue of \$10,000,000 of collateral trust bonds, \$5,000,000 of which have been issued and are held by the public. The stock was issued to the Windsor Trust Company to hold as trustee, but at the same time the trust company agrees to allow the Interborough-Metropolitan to have the voting proxies on this stock."

"We believe, however, that the ownership by the Interborough-Metropolitan of any of this rapid transit stock is illegal, for all the more important questions of fact in our suit now pending have been admitted by the defendants, their defense being mainly on points of law."

"One of the effects of the new mortgage would be to make the \$10,000,000 in collateral trust bonds already issued by the Interborough-Metropolitan Company, in reality a second mortgage of the assets of the Interborough Rapid Transit Company, instead of a virtual first mortgage as at present."

"The Interborough-Metropolitan now proposes to have the Interborough Rapid Transit Company execute a mortgage of \$10,000,000 or more. Then the \$10,000,000 that will be received after the banker's commissions have been deducted, will be used to take up an old bond issue of \$24,000,000; to redeem

certain notes and obligations, and to equip, operate and build 147 miles of new subway and elevated lines.

"If the Interborough is permitted to do this, it will simply become so much more a combination in restraint of trade, for the law under which the fifty-four year lease is made, and the terms of the lease itself are such that it is almost certain that the city will not be able to build any new subway in that time."

Richard Reid Rogers appeared to represent the Interborough Rapid Transit Company; Cravath, Henderson and De Gersdorff for the Interborough-Metropolitan; Rollins and Rollins for the Windsor Trust Company; and Nicoll, Anable, Lindsay & Fuller for the other defendants.

FIREMEN FIGHT BLAZE IN EVENING TOGS AFTER ATTENDING BANQUET

Somerville, N. J., "Vamps" Go Into Action From Festive Board and Theatre.

SOMERVILLE, N. J., Feb. 21.—The West End Hose Company of the Volunteer Fire Department celebrated its twenty-fifth anniversary, last night, with a banquet at the Hotel Cawley, after which the company took possession of the Bijou Theatre and witnessed a midnight performance of vaudeville and fire pictures, provided for the occasion. The guests of the company included Mayor William V. Steele, the Borough Council, and the members of the other local fire companies.

After the performance the vamps were congregated about the fire house, and were still talking about the last great fire in the borough and wondering when there would be another, when the streets were suddenly illuminated by a fierce fire, which broke out in the block of manufacturing buildings at Main and Davenport streets.

Many of the firemen responded to the alarm in evening clothes. The fire broke out in the fourth story of the E. J. A. Dewitte Dyeing and Bleaching Works, where a great quantity of chemicals and yarn was stored. The fire soon spread to the plants of the Henry W. Dix Company, garment makers; the Glen Rock Woolen Mills and the Somerville Manufacturing Company. From the Cotlap Company's big fire pumps three streams were turned on the blaze, while the local fire department fought the fire with six streams, and after a prolonged fight got it under control. Each plant suffered considerable damage by water. No casualties were obtained or the fire is over. The origin of the fire is unknown.

NICOLL OUT AS EXECUTOR.

Buffalo County Surrogate Oves Estate \$200,000.33, So He Resigns.

An accounting was filed in Nassau County Court today of the estate of Anna Somarindyk by the executors—Edward P. Lapping, John W. Gamack and William G. Nicoll—revealing that the estate was worth \$210,000.44, of which \$100,000 was already paid out, leaving \$110,000.44. The money went largely to St. Paul's Church of Glen Cove, L. I.; the Bowery Mission and the Home of St. Gill the Cripple of Hempstead, L. I. To-day's accounting followed a petition by Nicoll, who is Surrogate of Suffolk County, asking that he be relieved as executor because of lack of harmony and because he owes the estate \$200,000.33 for money borrowed during the life of Mrs. Somarindyk.

THE CLOSING QUOTATIONS.

The following were the highest, lowest and last prices of stocks for to-day and the net change as compared with yesterday's closing prices:

Stock	High	Low	Last	Change
Amalgamated Copper	104 1/2	104	104 1/2	+ 1/2
Am. Steel Foundry	104 1/2	104	104 1/2	+ 1/2
Am. Sugar	104 1/2	104	104 1/2	+ 1/2
Am. Tobacco	104 1/2	104	104 1/2	+ 1/2
Am. Cotton	104 1/2	104	104 1/2	+ 1/2
Am. Lumber	104 1/2	104	104 1/2	+ 1/2
Am. Paper	104 1/2	104	104 1/2	+ 1/2
Am. Petroleum	104 1/2	104	104 1/2	+ 1/2
Am. Rubber	104 1/2	104	104 1/2	+ 1/2
Am. Tea	104 1/2	104	104 1/2	+ 1/2
Am. Coffee	104 1/2	104	104 1/2	+ 1/2
Am. Sugar	104 1/2	104	104 1/2	+ 1/2
Am. Tobacco	104 1/2	104	104 1/2	+ 1/2
Am. Cotton	104 1/2	104	104 1/2	+ 1/2
Am. Lumber	104 1/2	104	104 1/2	+ 1/2
Am. Paper	104 1/2	104	104 1/2	+ 1/2
Am. Petroleum	104 1/2	104	104 1/2	+ 1/2
Am. Rubber	104 1/2	104	104 1/2	+ 1/2
Am. Tea	104 1/2	104	104 1/2	+ 1/2
Am. Coffee	104 1/2	104	104 1/2	+ 1/2

OVERWORK MENTAL STRAIN

causes run-down health and sickness. Scott's Emulsion and rest are needed, but SCOTT'S EMULSION is more important because it enriches the blood, nourishes the nerves—builds the body and restores strength, vigor and immediate energy without interrupting daily duties.

Scott's Emulsion drives out colds and strengthens the lungs.

SCOTT & BOWNE, Bloomfield, N. J.

TURKS MASSACRE CHRISTIANS IN CHATALIA REGION

Troops Commit Unspeakable Atrocities in Absence of Bulgarian Guards.

SOFIA, Bulgaria, Feb. 21.—The Turkish troops are perpetrating massacres and committing unspeakable atrocities on the Christian populations in the Chatalia region since the withdrawal of many of the Bulgarian troops from the front of the Turkish fortifications, according to a despatch from the Greek Metropolitan of Chatalia to the Bulgarian Government to-day.

The prelate declares that the surviving Christian inhabitants are fleeing in great numbers from their homes. Telegrams have also been received from the dean of the consular corps and from the Greek Metropolitan at Silivria announcing the massacre of over one hundred men and women in the village of Konaminio.

SUMMIT HEALTH BOARD QUITS IN A BODY AND A HUFF.

Common Council Refuses to O. K. the Bills, and Resignations Follow.

SUMMIT, N. J., Feb. 21.—The Board of Health of Summit has resigned in a body because the Common Council refused to pay the bills the board has voted for. As a consequence there is a health row in progress.

Health Officer J. Edward Rowe put in a bill for his services and the demand was honored by the Board of Health, then sent to the Common Council for approval. The council turned down the bill because, so its members explain, Rowe was not registered as a health officer according to law.

Promptly the Board of Health, comprising Dr. Thomas P. Prout of the Fair Oaks Sanatorium, Dr. William H. Lawrence of the Overlook Hospital, James G. Owens and Parker W. Page, a New York lawyer, sent in joint resignations, to take effect on March 1. Mayor William Hewton says the matter of accepting the resignations and filling the vacancies is squarely up to the Common Council.

"OBJECT MATRIMONY" AD. SPOILS FIRST ROMANCE.

Tailor's Best Girl Saw His Quest for Another and Then Had Him Arrested.

Theresa M. Meyers, a pretty housemaid employed in the home of Capt. Young, New York representative of the Southern Pacific Steamship Company, at No. 211 Broadway, appeared before Magistrate Appleton in the West Side Court to-day as complainant against Eliek Karesek of No. 573 Warren street, Brooklyn, whom she once loved but whom she now fears. For a year, until quite lately she said, the young tailor had been devoted to her. To be sure, she explained, she always said the car fare and the refreshment checks when they went out together, but she could better afford it than he.

Not long ago, said Theresa, she found a newspaper advertisement signed with Karesek's name asking for an opportunity to become acquainted with a young woman of gentle and loving disposition who would marry him. When Karesek called again she told him she wanted to more to do with him, and showed him the advertisement. He dejectedly having caused it to be printed, but she showed him the door.

Since then, Theresa told the Magistrate, the tailor has been hanging about the Young's home, and yesterday he threatened to kill her unless she married him or paid him \$100 to release his claim on her. The Magistrate held him in \$200 bonds.

Appraisals of Estates.

Deputy State Comptroller Wallace S. Fraser transmitted to-day the following appraisals of estates under the inheritance tax law to the Transfer Tax Office of the Surrogate's Court:

Henrich Lover, died April 3, 1911; net value, \$5,782.
John Kelsey, died Feb. 17, 1911; net value, \$4,596.
Nina Burt, died May 16, 1911; net value after deductions for debts and expenses of administration, \$32,040.

SUFFRAGISTS HAVE HARDEST MARCH ON WAY TO WASHINGTON

Head for Havre de Grace Over Worst Stretch of Road They Have Yet Tramped.

ELKTON, Md., Feb. 21.—Refreshed by a night's rest here "Gen." Rosalie Jones's Army of the Hudson left at 9 o'clock this morning on the march to Washington. A stop for luncheon will be made at Northeast, Md. The hikers expect to reach Havre de Grace about 6 this evening, but their way lay over sixteen miles of the worst piece of road between New York and Washington.

The Dayside band will meet the pilgrims at Perryville, just across the Susquehanna River from Havre de Grace, and escort them over the bridge to their stopping place for the night.

SENATORS ADD \$20,000,000 TO PUBLIC BUILDINGS BILL.

Measure Now Calls for \$45,000,000 and Includes \$3,000,000 for Federal Court Site Here.

WASHINGTON, Feb. 21.—Apparently \$20,000,000 have been added in Senate committee to the authorizations of the omnibus Public Buildings bill, which, as it passed the House, carried \$25,000,000.

Principal increases were: \$5,000,000 for a memorial bridge across the Potomac at Washington; \$3,000,000 for a site for a Federal courthouse in New York City; \$200,000 toward the erection in Washington of a memorial to the loyal women of the civil war and \$1,000,000 for a public building in Portland, Ore. The limit of cost of the building of the Bureau of Engraving and Printing in Washington was increased to \$2,800,000.

HIRES ROOM, PAYS A WEEK'S RENT, THEN KILLS HIMSELF

Man Supposed to Be Charles Bencke of Brooklyn Leaves Two Letters.

A man supposed to be Charles Bencke, an insurance agent of No. 491 Lincoln avenue, Brooklyn, killed himself early to-day in a furnished room on the second floor of No. 207 West Twenty-fifth street by inhaling gas. According to Mrs. Elsie Koenig, landlady of the rooming house, Bencke engaged the room last night and paid a week's rent in advance.

He went out a few minutes after he had deposited a suit-case in his room and did not return till late. Early to-day Mrs. Koenig smelled gas and traced it to her new lodger's room. The door was locked. Patrolman Carmick, who was called in, broke it down. Crevices in the window and the door frame had been stuffed with cotton which the man had apparently gone out to buy last night. Bencke was on the bed with a gas tube, connected with the jet, in his mouth.

He left two letters, one addressed "To Whom It May Concern," the other to "Mrs. C. C. Bencke, No. 491 Lincoln avenue, Brooklyn." The body was removed to the Morgue.

MANN SCHOOL TO BUILD.

The Board of Directors of the Horace Mann School announced to-day that the ten-acre property of the school at Broadway and Two Hundred and Forty-sixth street, the former Delafield farm, is to be devoted to a new department of the school to relieve the congestion in the present quarters. Buildings costing from \$240,000 to \$280,000 are to be erected, including cottages for the instructors. The school will be used exclusively for boys over twelve years old. Three hundred boys may be cared for there as boarders. It is hoped to have the buildings completed in 1914.

PISTOL AND DIARY MURDER EVIDENCE AGAINST DORR

Weapon Supposed Used in Killing of Marsh, and Book With Death Record Shown.

SALEM, Mass., Feb. 21.—Further testimony regarding the automatic revolver with which William A. Dorr of Stockton, Cal., is alleged to have murdered George E. Marsh of Lynn on April 11 last was given when the trial was resumed to-day.

Walter R. Anderson, shipping clerk at a dress factory in Hartford, Conn., testified that the revolver, numbered 8034, which, witnesses said yesterday, was found near the supposed scene of the murder in West Lynn, was shipped from the factory to a San Francisco wholesaler in August, 1901. He described the method of numbering revolvers, and said that it was impossible to duplicate the weapons so marked.

The revolver in evidence has been identified as one that Dorr purchased in Stockton.

Other witnesses from Lynn told of having seen or had dealings with the defendants during the two weeks preceding the murder. They showed that Dorr occupied an apartment near the home of Marsh from March 23 to April 4, when he removed to another house, where he remained until the evening of April 11.

Leaves from a diary in which, the State alleges, the death of Marsh was recorded by Dorr before it was generally known that a crime had been committed, were placed in evidence.

Carroll W. Brook of Stockton, who said that at one time he was employed as a bookkeeper by Dorr, identified the handwriting on the pages of the diary as that of the defendant.

Witness said that he purchased a motor cycle business from Dorr in March, 1912. The prosecution claims that Dorr sold out his business in that month in order that he might come East.

FLOOR TRADER IS EXPELLED.

Consolidated Exchange Finds Kaiser Guilty of Fraud.

The Board of Governors of the Consolidated Exchange by a vote of more than two-thirds yesterday expelled Hermann Kaiser from membership in the exchange, in accordance with article 3 of the by-laws. The charges were "obvious fraud and false pretense." Kaiser, who has been a member of the exchange since 1902, was a floor trader. His operations were of a small character.

LOTS OF BEAUTIFUL, GLOSSY HAIR, NO DANDRUFF—25 CENT "DANDERINE"

Hair coming out?—If dry, brittle, thin, or your scalp itches and is full of dandruff—Use "Danderine."

Within ten minutes after an application of Danderine, you cannot find a single trace of Dandruff or a loose or falling hair, and your scalp will not itch, but what will please you most will be after a few weeks' use, when you will actually see new hair, fine and downy at first—yes—but really new hair—growing all over the scalp.

A little Danderine will immediately double the beauty of your hair. No difference how dull, faded, brittle and scraggy, just moisten a cloth with Danderine, and carefully draw it through your hair, taking one small strand at a time. The effect is amazing—your hair will be light, fluffy and wavy, and have an appearance of abundance; an incomparable lustre, softness and luxuriance, the beauty and shimmer of true hair health.

Get a 25 cent bottle of Knowlton's Danderine from any drug store or toilet counter, and prove to yourself to-night—now—that your hair is as pretty and soft as any—that it has been neglected or injured by careless treatment—that all you surely can have beautiful hair and lots of it if you will just try a little Danderine.

ELOPE AS CLIMAX TO LOVE ROMANCE FIFTY YEARS OLD

Aged Newark Couple Who Were Sweethearts at School Surprise Friends.

As the climax to a love story that began fifty years ago, Albion Alexander Vanderpool, sixty-five, one of the most respected citizens of Newark, N. J., has eloped, his friends believe. Mr. Vanderpool has not been at his home, at No. 273 South Nineteenth street, since Wednesday morning.

Miss Margaret V. Vail, a spinster of sixty-four, disappeared from her boarding house, No. 48 Liberty street, earlier in the week, announcing to her landlady, Mrs. Jones, that she was to be married.

"To whom?" Mrs. Jones asked. "To Mr. Albion Alexander Vanderpool," she replied. "Our romance is half a century old. It began when we were boy and girl together. But he married. Eighteen months ago his wife died and our old love has been rekindled."

Mrs. Vail was asked where she was to be married and she replied in Brooklyn, by the Rev. George E. Marrian of No. 56 Grand avenue.

Mr. Vanderpool gave his daughters Adele and Clarabelle, with whom he lived, not the slightest inkling that he was to be married. On Wednesday morning, the daughters said to-day at their home, their father packed two suit cases and announced he was going away.

"We did not know father had been so attentive to any one," Miss Adele said. "We can hardly believe that he has married any one."

"But Miss Vail has said that their romance was half a century old," Miss Vanderpool was told.

"Who is Miss Vail?" she asked. "We never heard of her, nor did we know that there was even a romance in father's life, except the one with our own mother."

On Wednesday afternoon an elderly couple who said they were Albion Alexander Vanderpool and Miss Margaret V. Vail of Newark obtained a license to marry from Deputy Clerk Joseph E. Scully of Brooklyn. Mr. Vanderpool said the Rev. Mr. Marrian would probably officiate.

"I have never heard of Mr. Vanderpool or Miss Vail," the minister declared to-day.

Disillusionment. (From the Washington Star.) "You seem inclined to encourage your wife to be a suffragette?" "Yes," replied Mr. Meekton; "if I can't have my own way, I desire thoroughly convince her that I desire her to march and make speeches may be she'll get resentful and refuse to do so."

BIG GUNS FOR BIG G'S BALL.

President, Mayor, Waldo—All Invited to Be There To-Night.

President Taft, Mayor Gaynor and the Commissioner Waldo are among the distinguished guests who have been invited to the Sixty-third annual reception and ball of Typographical Union No. 4 to-night. A big affair is expected, and

the Seventy-first Regiment Armory, at the ballroom, has been converted into a veritable fairy haven. For two generations this gathering has been one of the events of the year in New York. As Floor Manager, William Way says he has marked for "Big Game" the latest fashionable rules and that the turkey trot for "dick" but is sure will be only one-step for everybody to-night. A good time.



There is good brain material in H-O Oatmeal.

All mothers and fathers are proud when their children turn out well at school. But all mothers and fathers do not know how much the children's success at school depends upon their care at home, particularly in regard to the food that is given to them.

An ideal breakfast for every school child should include a liberal portion of oatmeal. This furnishes the child, in almost perfect proportions, just the elements it needs to build up its brain and body and furnish it with heat and energy. Children like H-O Oatmeal best because it tastes best. Mothers like H-O Oatmeal best because it only requires twenty minutes' cooking, and is the most economical—costs less than half-cent a dish.

Tomorrow morning is a good time to begin eating H-O.

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